

REMARKS

Claims 1-4 are currently pending in the present application, with Claims 1, 3, and 4 being amended. Amendment the claims are not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

The Examiner rejected Claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Arnold et al. (U.S. Patent No. 5,908,997) in view of Official Notice (citing U.S. Patent Nos. 5,398,045 and 5,956,034). This rejection is respectfully traversed with respect to the amended claims.

The present invention is directed to an apparatus and method for selecting data sets stored in an external storage device, such as musical song data stored in a CD-ROM drive, a hard disk HDD, or the memory of an electronic musical instrument, wherein each . In order to simplify and make more efficient the selection of data sets, the present invention facilitates the selection of a particular external data storage device, then a group of data sets from a directory of data groups, followed by the selection of a particular data set from the chosen group of data sets.

Once a user selects an external storage device, the provided data groups selection controls is allocated to corresponding directories of the storage areas of the external storage device. After a data group from the selected storage device is chosen, a display screen displays a list of identifiers for identifying/representing each data set belonging to the selected data group, wherein a particular data set can be selected using data set controls, which are three-dimensional controls located outside of the display screen, each of which is correspondingly located near the allocated data set identified (such as the preferred embodiment illustrated in Fig. 1).

None of Arnold, '045 patent, or the '034 patent contain any disclosure or suggestion of selecting a storage device from amongst a plurality of external storage devices, wherein each

external storage device includes a plurality of storage areas, and wherein each storage area being allotted to a plurality of data groups that store a plurality of data sets. More importantly, none of the references contain any disclosure or suggestion of providing a plurality of data group selecting controls, and a data group allocator for allocating to the data group selecting controls each of data groups (i.e. directories) that correspond to different storage areas of the selected external storage device.

Rather, Arnold is directed to an electronic music instrument wherein a file and song can be selected by a contacting a labeled button within a directory frame. As previously communicated, the selection controls shown in Arnold are located within a display screen, and hence requires the display screen to be capable of sensing user touch or contact, making the selection controls more expensive. Applicants respectfully traverse the Examiner's Official Notice in that the Examiner's cited motivation for combining the references is only obvious in hindsight of the present application and in view of Applicants' remarks in the previous communication.

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032012600. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 2, 2004

Respectfully submitted,

By

David T. Yang

Registration No.: 44,415

MORRISON & FOERSTER LLP

555 W. Fifth Street, Suite 3500

Los Angeles, CA 90013

(213) 892-5587

Attorneys for Applicant